ORDINANCE NO. 16

Series, 1963

AN ORDINANCE PROVIDING REGULATIONS FOR SUBDIVIDING LAND WITHIN THE CITY OF ELGIN, OREGON; PROVIDING FOR PROCEDURE TO OBTAIN APPROVAL; REGULATING DESIGN AND PROVIDING FOR MINIMUM REQUIREMENTS FOR SUBDIVISION LAYOUT; PROVIDING REQUIREMENTS FOR SUBDIVISION PLAT; PROVIDING FOR MINIMUM IMPROVEMENTS AND STANDARDS; PROVIDING REQUIREMENTS FOR APPROVAL OF FINAL PLAT; PROVIDING PROCEDURE AND AUTHORITY TO GRANT MODIFICATIONS AND EXCEPTIONS TO REGULATIONS; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND DECLARING AN EMERGENCY.

THE CITY OF ELGIN ORDAINS AS FOLLOWS:

Section 1: SHORT TITLE.

This Ordinance shall be known as the "Subdivision Regulation Ordinance of the City of Elgin, Oregon."

Section 2: DEFINITIONS.

(a) Dedication is the deliberate appropriation of land by its owner for any general and public use, reserving to himself no other rights than are compatible with the full exercise and enjoyment of the public use to which the property has been dedicated.

(b) Final Plat is the plan of the plat or subdivision or any portion thereof prepared for filing for record with the County Clerk of Union County, Oregon, and containing those elements and requirements set forth in Section 7 of this Ordinance. After the final plat has been filed for record with the County Clerk, it shall then be known as the authorized plat or subdivision.

(c) Official plans are those official maps or portions thereof, or street designation maps, which have been adopted or may be adopted from time to time by the Council of the City of Elgin, Oregon.

(d) Planning Commission shall be that commission established by Ordinance No. 5, Series, 1963, of the ordinances of the City of Elgin, Oregon.

(e) Proposed plat or subdivision is a plan of the plat or subdivision containing the elements and requirements as set forth in Section 5 of this Ordinance.

(f) Public Highways include every way, land, road, street, and boulevard and every way or place in the state, open as a matter of right, to public vehicular travel both inside and outside the limits of the cities and towns, and shall include community arterials, neighborhood street, residential street and alleys which may or may not be portions of the primary or secondary highway system of the State of Oregon.

(g) Subdivider is any person, firm or corporation, proposing to make, or who has made, a subdivision.

(h) Subdivision or plat is an area of land, which is hereafter divided into two or more lots, plots, tracts, or other divisions of land, which may or may not include a map, or maps related thereto, for the immediate or future transfer of ownership, or building development, including all designated street lines, lot lines, easements, rights-of-way, pavement widths, curb lines, location and size of utilities, location and size of land areas to be dedicated to public and general uses; provided, however, that this definition of a subdivision shall not include those divisions of land for agricultural purposes where each parcel is five (5) acres or more in area.

(i) Tentative approval is the official action taken upon the proposed plat or subdivision by the Planning Commission, meeting in regular or special session.

(j) Final approval is the final official action taken by the Planning Commission upon the proposed plat or subdivision or portion thereof that previously received tentative approval.

Section 3. PROCEDURE.

No person, firm or corporation shall proceed with any construction work on the proposed plat or subdivision, including grading and excavation, until said person, firm or corporation has obtained from the Planning Commission tentative approval of the proposed plat or subdivision in accordance with the hereinafter prescribed rules and regulations. No person, firm or corporation making or having made a plat or subdivision of land as described under Section 2 of these regulations shall sell, enter into any contract for the sale of, or shall offer to sell prior to receiving the Planning Commission's approval of the final plat as is hereinafter provided and filing such final plat for record with the County Clerk, Union County, Oregon.

A. General

1. The subdivider, his engineer or land surveyor, while the proposed plat or subdivision is in sketch form and before the proposed plat or subdivision is prepared for tentative approval, shall consult with the Planning Commission, for the purpose of ascertaining the requirements of the official plan and obtaining any explanation of the rules and regulations applicable thereto.

2. The tentative approval of the proposed plat shall be effective for one year unless such time is extended by the Planning Commission.

3. A final plat may be presented for approval of any portion of a subdivision when the proposed plat has previously received tentative approval by the Planning Commission.

4. When the Planning Commission finds that the proposed plat or subdivision has been made in accordance with the rules herein contained, the Planning Commission shall execute its written approval, which shall be suitably inscribed upon the final plat. Thereafter the final plat shall be filed with the County Clerk of the County of Union, Oregon, prior to the offering for sale or selling of any lots, tracts, or parts thereof.

B. Specific

1. The proposed plat conforming to the provisions of Section 5 herein, and eight (8) blueprints thereof prepared by an engineer or land surveyor, to which shall be attached the written application addressed to the Planning Commission requesting approval of the proposed plat, shall be filed by the subdivider with the Planning Commission.

2. When the application for "tentative approval" is filed, the Planning Commission shall consider the proposed plat or subdivision generally with the subdivider.

3. The Planning Commission shall, not less than three (3) days prior to the next regular or special meeting of the Planning Commission, cause to be published in a local newspaper of general circulation in the City of Elgin, Oregon, notice of the application for tentative approval of the proposed plat or subdivision, its location, the fact that a public hearing will be held on the application and giving the date, time, and place of the next regular or special meeting of the Planning Commission.

4. At said meeting, the Planning Commission shall examine the proposed plat or subdivision to ascertain whether it conforms with the requirements set forth herein; shall consider the information received during the public hearing and shall within seven (7) days thereafter either tentatively approve or withhold its approval of the proposed

plat or subdivision. If approval is withheld, a copy of the proposed plat or subdivision, together with a list of recommendations and modifications, prepared in accordance with the provisions herein contained, or such other reason for withholding approval, shall be delivered to the subdivider and a copy thereof shall be retained in the files of the Planning Commission. The subdivider may appeal the decision of the Planning Commission in the manner provided in Section 8 of this Ordinance.

5. If the proposed plat is approved by the Planning Commission, the subdivider, before requesting final approval, shall elect to carry out the minimum improvements in accordance with the provisions of Section 6 as herein contained by either of the following methods:

   (a) By giving the City of Elgin a plat or subdivision bond by which assurance is given the City of Elgin that installation of the minimum improvements will be carried out as provided in Section 6 herein. The amount of said bond shall be equal to the estimated cost of the required improvements as is determined by the Planning Commission.

   (b) By actual installation of improvements in accordance with the provisions of Section 6 herein contained.

6. If the subdivider elects to make the required improvements under the provisions in Section 3 B 5(b), the Chairman of the Planning Commission shall, after completion of all the required improvements, submit a certificate, in duplicate, to the Planning Commission stating that the subdivider has completed the required installations in accordance with the provisions in Section 6 herein contained. At such time, the Planning Commission shall transmit one copy of such certificate to the subdivider, together with notice advising him to prepare a final plat for that portion of the area contained in the proposed plat or subdivision, upon which minimum improvements have been installed and certified to, and the original shall be retained by the Planning Commission.

7. The subdivider shall then submit the final plat to the Planning Commission which shall be the original, a tracing, and five (5) copies prepared in accordance with the provisions of Section 7 herein. The Planning Commission shall either approve the plat or subdivision within seven (7) days after the date of filing said plat with the Planning Commission or return said plat to the applicant for modification or correction.

8. The Planning Commission, after approving the final plat, shall place one copy in the Planning Commission files. The original, tracing and two copies shall be returned to the subdivider and the subdivider shall file the original with the County Clerk of Union County, Oregon, and a copy with the County Assessor.

9. After the County Clerk has received and filed for record the final plat, it shall be known as the authorized plat or subdivision as is provided in Section 2 of these Subdivision Regulations.

Section 4: GENERAL PRINCIPLES OF DESIGN AND MINIMUM REQUIREMENTS FOR THE LAYOUT OF SAID SUBDIVISIONS.

In the planning of a subdivision, the subdivider shall prepare his proposed plat in conformance with the following provisions:

A. Provisions of the Comprehensive Plan.

1. Land which is subject to flooding or has bad drainage, steep slopes, rock formations or other features, which may be harmful to the safety, general health and welfare of the future residents shall not be

subdivided unless adequate methods of correcting either or any of the aforesaid conditions are formulated by the subdivider and approved by the Planning Commission.

2. Those areas of town which have topographical slopes of ten per cent or more shall be subdivided in conformance with such additional requirements as may be necessary because of such slopes, which said requirements the Planning Commission shall provide the subdivider within ten (10) days after receipts of his application. The application shall be accompanied by a sketch map showing the location of the proposed plat or subdivision.

3. The proposed plat or subdivision shall provide for all requirements contained in the official plan or portions thereof or development plans of the City of Elgin.

4. The subdivider shall make available for public acquisition such lands in the area to be subdivided as are designated by the official plan for parks, playgrounds, and public buildings.

B. Street and Block Layout.

1. Street and block layout shall conform to the most advantageous development of the adjoining areas and shall provide for the following:

(a) Street continuity of major streets and arterials.

(b) Streets shall continue to boundary of tract when access to adjoining tracts is deemed necessary by the Planning Commission.

(c) Streets shall intersect at right angles or as nearly so as possible.

(d) Street jogs shall be avoided.

(e) Nothing less than full width streets and no boundary streets on the tract in which the plat is located, unless required to provide right of way for streets and arterials designated by the official plat or portions thereof.

(f) When residential lots front on an arterial there shall be either an alley or a service drive provided.

2. Blocks shall meet the following requirements:

(a) The width of blocks shall provide for two tiers of lots, each of which shall have a minimum depth of 100 feet.

(b) The length of the block shall not exceed 1,320 feet where the average size of lots does not exceed two acres in area.

(c) In any block exceeding 660 feet in length, walks or pedestrian ways through the block at midblock points shall be required, when so determined essential by the Planning Commission, to provide circulation or access to schools, playgrounds, shopping centers, etc.; the right-of-way of which shall be at least ten (10) feet in width.

3. Surveyor's Monuments.

(a) A permanent surveyor's monument, set in concrete, shall be installed within each block or within each 5 acres of said subdivision, whichever area is the smaller. The surveyor's field notes for each of said monuments shall be filed with the City Recorder of Elgin and also in the proper county office.

C. Rights of ways and pavement widths of public highways, roads, streets and alleys.

1. Community Arterials:

(a) Business street right-of-way shall not be less than 100 feet wide and the pavement width shall be at least 56 feet wide measured from curb to curb.

(b) Arterial street right-of-way shall not be less than 80 feet wide and the pavement width shall not be less than 40 feet wide measured from curb to curb.

2. Residential Streets, Alleys and Service Drives:

(a) Residential street right-of-way shall not be less than 80 feet wide except when said right-of-way joins an already existing right-of-way of greater width, in which instance right-of-way shall then be as wide as the street which it joins; and pavement width shall be not less than 40 feet wide measured from curb to curb unless conditions are such that the Planning Commission shall allow a narrower right-of-way and/or pavement width. All dead end streets shall terminate in a circular turn-around or an appropriate turn-around design having a minimum right-of-way of 100 feet unless the Planning Commission approves "T" or "Y" shaped paving space in place of the required turning circle. The pavement diameter of the turning circle shall not be less than 80 feet. Right-of-way for the "T" or "Y" shall not be less than 60 feet.

(b) Alley and service drive rights-of-way shall be not less than 20 feet wide.

(c) Easements for utilities shall be provided along rear lot lines and such easements shall be at least 10 feet wide and this easement shall be centered on the lot lines.

D. Grades and Curves - Streets and Pedestrian Ways.

1. Grades for public highways and pedestrian ways.

(a) No community arterial or major street shall have a maximum grade exceeding five per cent (5%) nor a minimum grade of less than three-tenths per cent (0.3%). Residential and neighborhood streets, pedestrian ways, crosswalks, service drives and alleys may have a minimum grade of ten per cent (10%).

(b) All changes of street grades shall be connected by vertical curves meeting the standards and requirements of the Planning Commission.

2. The radii of curvature on the center line shall not be less than the following:

(a) All community arterials and major streets: 300 feet.

(b) All residential and neighborhood streets: 100 feet.

(c) A tangent of at least 200 feet in length shall be provided between reverse curves for community arterials, and 100 feet for residential streets.

E. Intersections.

1. At street and alley intersections property line corners shall be rounded by an arc, the minimum radii of which shall be 10 and 5 feet, respectively. In business districts, a cord may be substituted for such arc.

2. Street curbs at intersections shall be rounded by radii of at least 10 feet.

F. Lots.

1. The size, shape and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated, provided, however, that no lot shall be less than 50 feet wide and 100 feet deep.

2. Excessive depth in relation to width shall be avoided.

3. Every lot shall abut upon a street.

4. Lots, except corner lots, having frontage on two streets shall be avoided.

5. Side lot lines shall be approximately at right angles to the right-of-way line of the street on which the lot faces.

6. Corner lots for residential use shall be at least 10 feet wider than interior lots.

7. When proposed plats or subdivisions include lot layout to be used for commercial retail purposes, there shall be provided therein adequate off-street parking facilities and the Planning Commission shall determine the adequacy of the off-street parking facilities considering the type of use and development contemplated.

Section 5: REQUIREMENTS OF THE PROPOSED PLAT.

(a) A vicinity sketch drawn to a scale of not less than 200 feet and not more than 800 feet to an inch shall accompany the proposed plat. The vicinity sketch map shall show all streets, tract lines, and acreage parcels, with the names of the owners of record of the acreage parcels inscribed thereon. It shall show how the streets and alleys of the proposed subdivision will connect with the existing and proposed streets and alleys in the neighboring subdivisions or unplatted property to produce the most advantageous development of the entire neighborhood.

(b) Horizontal scale of the preliminary plat shall be 200 feet or less to the inch and the vertical scale of the street and the sewer profile shall be 20 feet or less to the inch.

(c) The proposed plat or subdivision shall contain the following and the subdivider, his agent, engineer or land surveyor may combine the following on one or more maps to expedite the planning and to present the plan clearly:

1. All maps shall indicate the name of the proposed plat or subdivision.

2. All maps shall show the name of the subdivider, his engineer or land surveyor.

3. The existing lines of record.

4. The names of the owners of record of unplatted lands lying contiguous and adjacent to the proposed plat or subdivision.

5. Boundary lines, accurate unto scale, of the tract to be subdivided.

6. The location, width and names of all existing or platted streets or other public ways within or adjacent to the proposed development and other important features, such as permanent buildings, water sources,

power lines, telephone poles, railroad lines and municipal boundary and section lines.

7. Location, pipe sizes and grades of all existing sewers, culverts and other underground installations within the tract and immediately adjacent thereto.

8. The contours with intervals of five (5) feet or less with reference to the elevation datum used by the City of Elgin. Show elevation contours relative to street elevations.

9. The layout of the proposed sewers, street right-of-way lines, lot lines, alley and easement lines shall be prepared with reference to the elevation datum used by the City of Elgin.

10. A layout shall be prepared showing the location and approximate sizes of catch basins, culverts and other drainage structure.

11. The profile and intended grade of each street.

12. A cross-section of each proposed street and width of the pavement.

13. Plan of profiles, grades and sizes of proposed sanitary sewers, methods of sewage disposal or sewer plan in lieu of such a sewer system.

14. Zoning boundary lines, if any, indicating proposed uses of property including front yard, rear yard, and size yard requirements as are contained in Ordinance No. 11, Series 1963, of the Ordinances of the City of Elgin, Oregon.

15. All the parcels of land intended to be dedicated or temporarily reserved for public use or to be reserved in the deeds for the common use of the property owners of the subdivision with the purpose and condition, or limitation of such reservation clearly indicated.

16. All maps shall show the date, scale, and the North point.

17. The proposed plat or subdivision shall have attached to it copies of any private restrictions proposed to be included in the deeds.

Section 6: PROCEDURES FOR INSTALLING IMPROVEMENTS AND DEVELOPING STANDARDS THERETO.

A. The City shall prepare minimum installation materials, designs, and construction standards appropriate to the locality, topography, soil conditions and geology of the area according to standards adopted by the City of Elgin. Such standards shall be made available to all subdividers, or their engineers or land surveyors within ten (10) days after receipt of the proposed plat or subdivision by the City. Minimum improvements shall include the following.

1. Streets shall be constructed to full width and surfaced in accordance with the standards adopted by the City of Elgin and under the supervision of the City.

2. Curbs shall be installed in accordance with the standards adopted by the City of Elgin and under the supervision of the City.

3. When the subdivision is platted within 100 feet of an existing public sewer main, then the subdivider shall install a complete sanitary sewer system within the subdivision, which shall connect to said main, in accordance with construction standards adopted by the City of Elgin and under the supervision of the City. All laterals shall be extended to the property line of each lot.

When the subdivision is platted a distance in excess of 100 feet from an existing public sewer main, then the subdivider shall confer with the Planning Commission to determine the feasibility of installing a complete sanitary sewer system; and if the Planning Commission determines that the installation of a complete sanitary sewer system would be economically unfeasible, the subdivider shall then be allowed to provide other adequate means of sewage disposal.

4. The drainage of surface water from the area shall be provided for by the subdivider and the method of drainage selected shall be subject to the approval of the Planning Commission.

5. The subdivider shall confer with the City Council to determine if the City will install all or any part of the water mains and laterals under the City extension policy and if it is determined that the City will install a portion of or all of the water system, the subdivider shall cooperate with the City so as to allow the City to make these installations before the streets have been paved.

   (a) Fire mains shall be not less than 4 inches in diameter and there shall be installed a minimum of one fire hydrant every 500 feet. The subdivider shall consult with the City and Fire Chief to determine the proper location of the fire hydrants. Each fire hydrant shall be valved between the main and the hydrant.

   (b) Dead-ending of water mains shall be avoided whenever it is possible.

B. <u>Exceptions.</u>

1. After the Planning Commission receives the proposed plat or subdivision from the subdivider, it may make exceptions to the provisions contained herein by requiring any or all of the following:

   (a) Greater park and playground space in addition to the area included in the official plan. However, in no case shall such additional areas represent more than twice the amount specified in the official plan, except when the official zoning ordinance and map, or proposed plat, or subdivision proposes higher residential land use densities of population than twice the existing densities.

   (b) Realignment of a community arterial or neighborhood street as shown on the official plans to permit the developer to prepare a better arrangement of lots for residential streets and other public ways, parks and playgrounds.

   (c) In cases where the view will be deterred by poles, wires, the easement requirements for utilities may be omitted, and in lieu thereof, the utility shall be installed in the street right-of-way.

   (d) In cases of excessive topographical grades of 15% or more, the crosswalk requirements may be omitted.

   (e) In case of a minor street along which the average size of lots is two acres or more, and the average street frontage of said lots is 200 feet or more, the subdivider may be granted permission to provide a pavement width less than that required for minor streets, not including curbs, provided that such pavement width shall include at least two 10-foot lanes. In cases where the total of the minimum requirements for sidewalk, parking strip and pavement widths exceeds the minimum right-of-way requirements, minimum right-of-way required shall equal the total minimum requirements of the sidewalk, parking strip and pavement widths.

Section 7: REQUIREMENTS FOR FINAL PLAT.

A map of the final plat or subdivision shall be submitted to the Planning Commission in the following form:

A. The final map shall be drawn to a scale of not more than 100 feet to an inch and shall show:

1. Name of the subdivision.

2. North point, scale and date.

3. Certificate of a registered engineer or a licensed land surveyor to the effect that the plan represents a survey made by him and that all of the monuments shown thereon actually exist and that their location, size and materials are correctly shown.

4. A description of the area being platted with the initial point being referenced to some corner established by U. S. Survey.

5. An affidavit by the subdivider attesting to the fact that he is the rightful and legal owner of the plat as described and that he dedicates to public use the streets and alleys shown thereon without any reservations or restrictions whatever.

6. Boundary lines with accurate distances and bearings, the exact location and width of all existing or recorded streets and ways intersecting the boundaries of the tract.

7. True bearings and distances to the established street lines or official monuments which shall be accurately described on the plat. Municipal and section lines shall be accurately tied to the lines of the subdivision by the distance and bearing.

8. Streets, alleys and ways together with their names, which said names shall not duplicate any existing names being used on other streets, avenues, and ways within or adjacent to the City of Elgin.

9. The length of all arcs, radii, internal angles, points of curvature, length and bearings of tangents and degree of curvature or curves.

10. All easements for rights-of-way provided for public services or utilities and any limitations of the easements.

11. All block indication numbers, lot numbers, lot lines with accurate dimensions in feet and in hundreths with bearings and angles to the street and alley lines.

12. An accurate outline of all property which is offered for dedication to public use and with the purpose of such dedications indicated thereon.

13. Private restrictions:

(a) Boundaries of each type of use restrictions.

(b) Other private restrictions for each definitely restricted section of the subdivisions.

14. A notation in each lot of its size in acres or decimals of an acre.

15. The final plat shall be made upon a good quality of white cold-pressed, double-mounted drawing paper, 18 inches by 24 inches in size, with the muslin extending three inches at one end for binding purposes and all writings thereon shall be made using black India ink. There shall be

included with the plat an exact tracing of the plat made on a good quality of linen tracing cloth and there shall be a sworn statement upon the tracing by the Engineer or Land Surveyor that it is a true and accurate copy of the original.

B. Items submitted with final plat:

1. Specifications of all existing or proposed roads, curbs, sidewalks, sewer and water lines.

2. The profile of each proposed street with grades.

3. Cross-section of proposed street showing widths of roadway, curbs, and the location and size of the utility mains.

4. Plans and profiles of sanitary sewers or storm sewers, with grades and pipe sizes indicated.

5. A signed certificate by the City that all of the required improvements have been made or a bond or bonds have accompanied the plat in conformance with the requirements of Section 3, item B 5 of this Ordinance.

Section 8: PROCEDURE AND AUTHORITY FOR GRANTING MODIFICATIONS AND EXCEPTIONS.

A. Modifications or Variations. The following procedures shall govern any request for modifications or variation of these regulations:

Any subdivider may make application to the Planning Commission for a variation or modification of any provision herein contained. Such application shall include all details that the subdivider deems necessary to support his application. The Planning Commission shall render its decision, together with findings in fact, within ten (10) days after the request for variation of modification is submitted by the subdivider.

The subdivider may appeal such decision or any part thereof to the Council of the City of Elgin, Oregon. Such appeal, containing the subdivider's application for variation or modifications, his supporting details and a copy of the decision of the Planning Commission, including its findings in facts, shall be filed with the City Recorder within ten (10) days after the subdivider receives the Planning Commission's decision. Within twenty (20) days after said request for hearing has been filed with the City Recorder, the City Council shall hold a hearing on the objections to the Planning Commission's decision and shall render its decision within ten (10) days after said hearing, either approving, modifying or rejecting the decision of the Commission in the form of an order directed to the Planning Commission. In the event that the City Council either rejects or modifies the decision of the Planning Commission, then, in that event, its order to the Planning Commission shall contain such standards and requirements which the Council deems adequate under the circumstances.

The Planning Commission shall immediately, upon receiving order from the City Council, advise the subdivider of the decision of the City Council. Thereafter the Planning Commission shall not take further action on the approval of the proposed plat or subdivision until the subdivider requests further action in accordance with the provisions of the City Council's order.

Section 9: REPEALING CLAUSE.

That all ordinances or parts of ordinances of the City of Elgin in conflict herewith are to such extent hereby repealed.

Section 10: PENALTY CLAUSE.

Any person, firm, or corporation violating any of the provisions of this Ordinance, upon conviction thereof in the Municipal Court, shall be punished by a fine not to exceed $200.00, or by imprisonment in the City Jail not to exceed thirty (30) days, or by both such fine and imprisonment.

Section 11:

WHEREAS the peace, health and safety of the City of Elgin is involved and in order to properly safeguard the same, there is and exists the necessity and emergency of immediate regulation as hereinabove provided; now, therefore, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage thereof and the approval by the Mayor.

PASSED by the City Council this 12th day of November, 1963.

APPROVED by the Mayor this 12th day of November, 1963.

Leyda C. Spikes
Mayor

ATTESTED and filed this 12th
day of November, 1963.

Ethel J. Hunt
City Recorder